

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

AMERICAN COLLEGE OF  
OBSTETRICIANS AND  
GYNECOLOGISTS, *et al.*,

Plaintiffs,

vs.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION, *et al.*,

Defendants.

Case No. 8:20-cv-1320-TDC

**DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME**

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Local Rule 105.9, and the Court's Case Management Order, entered on May 28, 2020, Dkt. 22, Defendants respectfully request that this Court enter an order extending the time by which Defendants must file a responsive pleading to Plaintiffs' amended complaint until on or before August 26, 2020. Plaintiffs do not oppose this request. In support of their Motion, Defendants state as follows:

1. On May 27, Plaintiffs filed their complaint and motion for preliminary injunction challenging FDA's enforcement, during the pandemic, of in-person dispensing and signature requirements on a medication abortion. Dkts. 1, 11.
2. On May 28, Plaintiffs served the United States Attorney's Office for the District of Maryland with a copy of the summons and complaint. Dkt. 36.
3. On June 17, Plaintiffs filed an amended complaint. Dkt. 74.
4. Defendants' deadline for responding to the amended complaint is July 27.
5. Defendants filed their opposition to Plaintiffs' motion for preliminary injunction on June 10, and Plaintiffs filed their reply on June 16. Dkts. 62, 73. The Court held a video

hearing on the motion on June 19. Dkt. 37. On July 13, the Court entered an Order granting in part and denying in part Plaintiffs' motion, Dkt. 91, and enjoined FDA from enforcing in-person dispensing and signature requirements on a medication abortion drug during the pandemic. *See* Dkt. 92.

6. On July 22, Defendants filed: 1) a notice of appeal from the Court's July 13 Memorandum Opinion, Order, and Preliminary Injunction, Dkt. 98; and 2) a notice of intent to file a motion to stay the preliminary injunction pending appeal. Dkt. 99.

7. Since the filing of Plaintiffs' complaint and motion for preliminary injunction, Defendants have been focused on responding to the motion, Dkt. 62, preparing for the video hearing, drafting supplemental briefing and letters for the Court, Dkts. 75, 78, 84, and responding to Plaintiffs' 28(j) letters, Dkts. 83, 87. Most recently, Defendants have been reviewing the Court's July 13 Order, Memorandum Opinion, and Preliminary Injunction and considering whether to appeal the Court's decision and request a stay of the preliminary injunction pending appeal. Defendants have also been reviewing and considering Plaintiffs' notice of intent to file a motion for clarification. Dkt. 101. As a result of this compressed schedule, and in consideration of other matters for which Department of Justice and agency counsel are responsible, Defendants request an additional thirty days to prepare and file a responsive pleading to Plaintiffs' amended complaint.

8. On July 23, Plaintiffs' counsel consented to the thirty-day extension.

WHEREFORE, Defendants respectfully request that the Court enter an Order granting Defendants' Motion for an Extension of Time and providing Defendants with an extension of time to file their responsive pleading to the amended complaint until on or before August 26, 2020.

Dated: July 24, 2020

Respectfully submitted,

GUSTAV W. EYLER  
Director  
Consumer Protection Branch  
Civil Division

/s/ Hilary K. Perkins

HILARY K. PERKINS  
Trial Attorney  
Consumer Protection Branch  
Civil Division  
U.S. Department of Justice  
450 Fifth St., N.W., Suite 6400  
Washington, DC 20530

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of July 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Hilary K. Perkins  
Hilary K. Perkins  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice